

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SHELDON LEE MORRIS,)	
)	
Plaintiff,)	Civil Action No. 22-cv-735
)	
v.)	District Judge W. Scott Hardy
)	Magistrate Judge Maureen P. Kelly
PENNSYLVANIA DEPARTMENT OF)	
CORRECTIONS; GEORGE M. LITTLE;)	Re: ECF No. 7
MICHAEL ZAKEN, <i>also known as</i>)	
<i>M. Zaken</i> ; S. BUZAS; M. SWITZER, <i>Ranking</i>)	
<i>C.O. on Duty</i> ; J. SCOTTI; MS. TRACY)	
SHAWLEY, <i>as subrogee of T. SHAWLEY</i> ;)	
J. SPIKER; <i>and</i> B. RUDZIENSKI, <i>Chief</i>)	
<i>Grievance Officer</i> ,)	
)	
Defendants.)	

ORDER OF COURT

Plaintiff Sheldon Morris (“Plaintiff”) is a state prisoner currently incarcerated in the State Correctional Institution at Greene (“SCI-Greene”) in Waynesburg, Pennsylvania. Plaintiff raises claims pursuant to the Civil Rights Act of 1871, 42 U.S.C § 1983, and state law against multiple Defendants. ECF No. 9.

Currently before this Court is Plaintiff’s Motion for Reconsideration, ECF No. 7, of this Court’s Order of June 30, 2022, ECF No. 6, construing Plaintiff’s self-styled “Motion for Preliminary Injunction,” ECF No. 5, as a motion to compel discovery, and denying the same as premature.

As noted in the order of June 22, 2022, the Complaint has not yet been served on Defendants – although a Service Order was issued on July 18, 2022. ECF No. 17. Furthermore, Petitioner has demonstrated no basis for reconsideration of this Court’s prior order. See Max’s Seafood Cafe ex

rel. Lou-Ann, Inc. v. Quinteros, 176 F.3d 669, 677 (3d Cir. 1999) (“The purpose of a motion for reconsideration . . . is to correct manifest errors of law or fact or to present newly discovered evidence”) (internal quotation and citation omitted). See also ECF No. 19-1 at 2-3 (copy of Respondents’ Notice of Pending State Court Proceedings served on Petitioner). Plaintiff has demonstrated no changes in law or fact that would necessitate an order compelling discovery prior to service of the Complaint. Moreover, Plaintiff has not explained why he would be unable to follow the discovery procedures set forth in Rules 26 through 37 of the Federal Rules of Civil Procedure, which are available to all litigants. Plaintiff’s speculation that Defendants might object to his discovery requests in the future does not provide a basis for reconsideration of this Court’s decision not to preemptively issue an order compelling discovery.

Accordingly, the following Order is entered:

AND NOW, this 21st day of July, 2022, IT IS HEREBY ORDERED, ADJUDGED and DECREED that Petitioner’s Motion for Reconsideration, ECF No. 7, is DENIED.

In accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72.C.2 of the Local Rules of Court, the parties are allowed fourteen (14) days from the date of this Order to file an appeal to the District Judge which includes the basis for objection to this Order. Any appeal is to be submitted to the Clerk of Court, United States District Court, 700 Grant Street, Room 3110, Pittsburgh, PA 15219. Failure to file a timely appeal will constitute a waiver of any appellate rights.

BY THE COURT:

/s/Maureen P. Kelly

MAUREEN P. KELLY

UNITED STATES MAGISTRATE JUDGE

cc: The Hon W. Scott Hardy
United States District Judge

SHELDON LEE MORRIS
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